

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. W-1343, SUB 1

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of		
Application by GWWTP, LLC for a)	
Certificate of Public Convenience and)	ORDER SCHEDULING HEARINGS,
Necessity to Provide Wastewater Utility)	ESTABLISHING DISCOVERY
Service to Ginguite Woods Subdivision)	GUIDELINES, AND REQUIRING
in Dare County, North Carolina and for)	CUSTOMER NOTICE
Approval of Rates)	

BY THE COMMISSION: On January 11, 2024, GWWTP, LLC (GWWTP) filed with the Commission an Application for a Certificate of Public Convenience and Necessity (CPCN) and for Approval of Rates (Application) seeking to provide wastewater utility service to the Southern Shores Landing/Ginguite Mixed Use Subdivision (Ginguite Woods) in Dare County, North Carolina. By Commission Order issued on January 12, 2024, GWWTP was appointed as the emergency operator of the Ginguite Woods wastewater utility system effective January 1, 2024. As the emergency operator, GWWTP currently serves 38 residential customers in Southern Shores Landing. [Manager]The Ginguite Mixed-Use area is in development and currently has no customers.

Upon acquisition, GWWTP plans to make \$600,000 in capital improvements, including \$500,000 for back-end replacement of the sewer plant and \$100,000 in additions and updates to be done after back-end replacement is complete due to the age of the sewer plant. Based on GWWTP's estimated costs for these improvements, due diligence costs, and the purchase price of the Ginguite Woods wastewater utility system, the approximate annual revenue requirement is estimated to be \$72,846, or an average increased monthly residential sewer bill of \$159.75.

The current interim rates for GWWTP were approved in Docket No. W-1139, Sub 4, effective January 12, 2024, at \$180 per SFE (SFE = 360 Gallons Per Day (GPD)). The previous non-interim rates of \$55.00 per SFE (SFE = 360 GPD) were approved in the original CPCN Docket No. W-1139, Sub 0, and were effective August 13, 2003.

GWWTP proposed to charge \$172.82 per REU (REU = 225 GPD). Based on a decrease from the currently approved interim rate, the proposed rates would result in a monthly decrease of \$7.18 per REU from the interim rates, or a 4% decrease.

Based upon the foregoing, and the recommendation of the Public Staff, the Commission hereby establishes the procedural schedule, including filing requirements of GWWTP, the Public Staff, and other parties, and requires that GWWTP provide public notice to all affected customers of the Application, including the applied for rates and the scheduled hearings.

The guidelines regarding discovery in this docket, subject to modification for good cause shown, are as follows:

1. Any deposition which a party desires to take shall be taken before the deadline for filing of the Public Staff and intervenor testimony. Notice of deposition shall be served on all parties at least 7 days prior to the taking of the deposition. Notice of deposition and all other discovery notices, requests and motions shall be served on the appropriate parties by hand delivery or facsimile, or by electronic delivery if the receiving party has agreed to receipt by electronic delivery.

2. Any motion for subpoena of a witness to appear at the expert witness hearing shall be filed with the Commission before the deadline for the filing of the Public Staff and intervenor testimony, shall be served by hand delivery or facsimile to the person sought to be subpoenaed at or before the time of filing with the Commission, and shall make a reasonable showing that the evidence of such person will be material and relevant to an issue in the proceeding. See N.C. Gen. Stat. § 62-62. Unless an objection is filed, the Chief Clerk shall issue the requested subpoena 24 hours after such motion is filed.

3. Formal discovery requests related to the Application and GWWTP's prefiled direct testimony shall be served on GWWTP not later than 14 calendar days prior to the deadline for filing of the Public Staff and intervenor testimony. The party served shall have up to 10 calendar days to file with the Commission objections to discovery requests on an item-by-item basis.

4. Formal discovery requests of the Public Staff or intervenors shall be served not later than 5 calendar days after such testimony is filed. The party served shall have up to 3 business days to file with the Commission objections to the discovery requests on an item-by-item basis.

5. Formal discovery requests related to the GWWTP's prefiled rebuttal testimony shall be served on the GWWTP not later than 3 business days after such testimony is filed. The party served shall have up to 3 business days to file with the Commission objections to the discovery requests on an item-by-item basis. Discovery related to rebuttal testimony shall be limited to new material introduced in such rebuttal testimony and will be carefully scrutinized upon objection that such discovery should have been sought during the initial period of discovery.

6. Discovery requests need not be filed with the Commission when served; however, any party filing objections shall attach a copy of the relevant discovery request to the objections. Each discovery request, or part thereof, to which no objection is filed shall

be answered by the time objections are due, subject to other agreement of the affected parties or other order of the Commission. Upon the filing of objections, the party seeking discovery shall have 2 calendar days to file a motion to compel with the Commission, and the party objecting to discovery shall have 1 calendar day thereafter to file a response. All objections, motions to compel, and responses shall be served on the other affected party at or before the time of filing with the Commission.

7. A party shall not be granted an extension of time to pursue discovery because of that party's late intervention or other delay in initiating discovery.

The Commission recognizes that in the past most discovery has been conducted in an informal manner without the need for Commission involvement or enforcement, and that such has been generally successful. The above guidelines are without prejudice to the parties conducting informal discovery or exchanging information by agreement at any time with the understanding that such will not be enforceable by the Commission if outside the guidelines.

Further, the Commission finds good cause to require GWWTP and all other parties who file exhibits and workpapers that include tables of numbers and calculations to provide the Commission Staff, the Public Staff, and any other party upon request from such party an electronic version of all such exhibits and workpapers, with formulas intact.

IT IS, THEREFORE, ORDERED as follows:

1. That a hearing for the purpose of receiving public witness testimony on GWWTP Application shall be, and is hereby scheduled to begin at 7:00 p.m. on Monday, March 18, 2024 in the Dare County Courthouse, 962 Marshall C Collins Drive, Courtroom B, Manteo, North Carolina, 27954; *That the Commission may cancel the public witness hearing if no significant protests are received on or before Friday, March 8, 2024;*

2. That the public witness hearing will be conducted solely for the purpose of receiving the testimony of customers in accordance with Commission Rule R1-21(g). The Commission reserves the right to limit testimony at the public witness hearing pursuant to Commission Rule R1-21(g)(5);

3. That GWWTP is required to file a verified report addressing all customer service and service quality complaints expressed during the customer hearing held on Monday, March 18, 2024, within 15 days of the conclusion of the customer hearing. The Public Staff shall, and other intervenors may, file a verified response and any comments to GWWTP 's report on or before Tuesday, April 16, 2024;

4. That a hearing for the purpose of receiving expert witness testimony on GWWTP's Application is scheduled to begin at 10:00 a.m. on Tuesday, May 7, 2024, and continuing as necessary until conclusion. The hearing will be held in Commission Hearing Room 2115, Dobbs Building, 430 North Salisbury Street, Raleigh, North Carolina 27603;

5. That the parties shall comply with the discovery guidelines established herein and shall work in a cooperative manner as to discovery;

6. That petitions to intervene in this proceeding shall be filed pursuant to Commission Rules R1-5 and R1-19 not later than Friday, April 5, 2024;

7. That GWWTP's prefiled direct testimony and exhibits shall be filed on or before Wednesday, March 13, 2024;

8. That the Public Staff and other intervenors prefiled direct testimony and exhibits of shall be filed on or before Friday, April 5, 2024;

9. That GWWTP's prefiled rebuttal testimony and exhibits, if any, shall be filed on or before Friday, April 19, 2024;

10. That an officer or representative from GWWTP is required to appear before the Commission at the time and place of the expert witness hearings to testify concerning any of the information contained in the Application;

11. That any parties filing supporting exhibits in Excel format shall provide the Commission Staff electronic versions of the exhibits filed in native Excel format via email at NCUCexhibits@ncuc.net, including all of the supporting tabs and formulas, within three days of the filing of such exhibits (or within three days of the issuance of this order if already filed with the Commission); and that any parties filing exhibits and workpapers that include tables of numbers and calculations shall provide the Public Staff and any other party upon request an electronic version of all such exhibits and workpapers, with formulas intact;

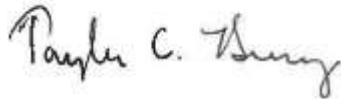
12. That GWWTP shall consult with all other parties and file, no later than Monday, April 29, 2024, a list of witnesses to be called at the expert witness hearing, the order of witnesses, and each party's estimated time for cross-examination. If the parties cannot agree, the remaining parties shall, no later than noon on Monday, May 6, 2024, make a filing indicating their points of disagreement with the GWWTP's filing; and

13. That GWWTP shall consult with the Public Staff to develop a Notice to Customers to be delivered to all affected customers and shall file the proposed Notice to Customers for approval by the Commission no later than three business days after the date of this Order.

ISSUED BY ORDER OF THE COMMISSION.

This the 14th day of February, 2024.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in dark ink, appearing to read "Taylor C. Berry". The signature is written in a cursive, flowing style.

Taylor C. Berry, Deputy Clerk